Om.

HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 142 OF 2007.

Sudhir Laxman Hendre & Ors. ..Appellants.

Versus.

The Special Land Acquisition Officer..Respondents.

Mr. S. S. Kulkarni for the appellant.

Mr. K. K. Tated A.G.P. for the State.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATE: MARCH 06, 2007.

P.C.

1. It has been brought to the notice of this Court that during the pendency of the appeal review petition was preferred and the order has been modified. In fact when the appeal has been filed the review petition should not have been filed, and if the review petition is filed appeal should not have been filed. Simultaneously two remedies cannot be followed. Let the fact remain as it is, this order has merged into review petition and therefore appeal is not tenable. It is hereby dismissed.

(SMT. NISHITA MHATRE, J.) **(S.B.MHASE, J.)**